THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15911 of 2007

Dated:07.08.2007

Between:

Boyella Venkata Subba Reddy,
S/o.Laxmi Narsa Reddy,
and another.

…Petitioners

and

The District Collector,
Nellore District, and others.

…Respondents

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WRIT PETITION No.15911 of 2007

ORDER:

The two petitioners are residents of Cheekavolu Village of Sydapuram Mandal in Nellore District. The first petitioner allegedly owns an extent of Acs.2.78 cents in Survey No.331/2, and the second petitioner owns an extent of Ac.1.19 cents in Survey No.331/4 and another extent of Acs.2.28 cents in Survey No.331/5. Both the petitioners statedly converted the land into Orchard raising Lemon garden. Aggrieved by the action of the Tahasildar, Sydapuram, in removing the Lemon trees with a view to lay a road across their land in Survey No.331, they filed the instant Writ Petition. They also referred to the earlier Writ Petition filed by the petitioners along with three others, being W.P.No.3455 of 1995, which was disposed of by this Court on 09.09.2004 directing the competent authority to consider the representation of the petitioners. The petitioners assert that the same has not been disposed of as yet, but still, the Tahasildar is taking steps to lay the road across the private land.

The matter was initially heard on 30.07.2007 as well as on 31.07.2007. It was adjourned to enable the learned Assistant Government Pleader for Revenue (General-A) to get instructions in the matter. After getting written instructions, the learned Assistant Government Pleader submits that the land in Survey Nos.404 and 407 was assigned as house sites to number of persons belonging to Scheduled Caste, and that there is no other approach road to the house sites, except through the land in Survey No.331. Therefore, it is

proposed to lay a road to the houses allotted and necessary action is being taken for initiating proposals under the Land Acquisition Act, 1894.

In view of the submissions made by the learned Assistant Government Pleader, this Court observes that unless and until necessary steps are taken as per law, the respondents are not entitled to lay the road across private lands in Survey No.331.

The Writ Petition is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

07.08.2007
vs